

1 FRANCIS M. GOLDSBERRY II, State Bar No. 063737
2 FRANCIS M. GOLDSBERRY III, State Bar No. 178739
3 **GOLDSBERRY, FREEMAN & GUZMAN, LLP**
4 777 12th Street, Suite 250
5 Sacramento, CA 95814
6 Telephone: (916) 448-0448
7 Facsimile: (916) 448-8628

8 Attorneys for CITY OF CHICO

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BEFORE THE CALIFORNIA STATE
WATER RESOURCES CONTROL BOARD

In Re:)	PETITION FOR REVIEW BY THE CITY
)	OF CHICO
)	(Requested to be held in Abeyance)
City of Chico, Baldwin Contracting Company,)	
Inc., Virginia L. Drake, Trustee, Drake)	
Revocable Trust, Darwin H. and Nina R.)	California Regional Water Quality Control
Simmons, Trustees, Simmons Family Trust, and)	Board – Central Valley Region, Adoption of
James E. Simmons, Humboldt Road Burn)	Cleanup and Abatement Order No. R5-2006-
Dump Area 8, Assessors Parcel Number 018-)	0711
390-014, Butte County.)	

TO ALL PARTIES AND THE ATTORNEYS OF RECORD IN THIS ACTION:

The following is a Petition for Review, filed on behalf of the City of Chico ("Petitioner") to the State Water Resources Control Board for review of the California Regional Water Quality Control Board's adoption of Cleanup and Abatement Order No. R5-2006-0711.

1. **Petitioner's Name and Address** (23 Cal. Code Regs. § 2050(a)(1))

City of Chico
411 Main Street
P.O. Box 3420
Chico, CA 95927

2. **Specific Action to be Reviewed** (23 Cal. Code Regs. § 2050(a)(2))

Issuance of Cleanup and Abatement Order No. R5-2006-0711.

3. **Date of Regional Board Action** (23 Cal. Code Regs. § 2050(a)(3))

Kenneth D. Landau, Assistant Executive Officer of the California Regional Water Quality

Control Board – Central Valley Region issued Cleanup and Abatement Order No. R5-2006-0711 on April 28, 2006.

4. **Statement of Reasons** (23 Cal. Code Regs. § 2050 (a)(4))

Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. § 2050.5 and it reserves the right to supplement this Petition for Review with a statement of reasons.

5. **Manner in Which Petitioner is Aggrieved** (23 Cal. Code Regs. § 2050(a)(5))

Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. § 2050.5 and it reserves the right to supplement this Petition for Review with a description of the manner in which Petitioner is aggrieved.

6. **Specific Action Requested** (23 Cal. Code Regs. § 2050(a)(6))

Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. § 2050.5 and it reserves the right to request review and supplement this Petition for Review with a description of the specific action requested.

7. **Statement of Points and Authorities** (23 Cal. Code Regs. § 2050(a)(7))

Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. § 2050.5 and it reserves the right to submit a statement of points and authorities.

8. **Regional Board Notification** (23 Cal. Code Regs. § 2050(a)(8))

A copy of this petition has been sent to the Regional Water Quality Control Board (see Exhibit "A" attached hereto) and all other named dischargers.

9. **Statement of Substantive Issues and Objections** (23 Cal. Code Regs. § 2050(a)(9))

Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. § 2050.5 and it reserves the right to assert the substantive issues and objections that the Petitioner previously asserted.

10. **List of Persons**

Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. § 2050.5 and it reserves the right to provide a list of persons known to have an interest in the subject matter of this petition.

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11. **Record Request**

Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. § 2050.5 and it reserves the right to request that the Regional Water Quality Control Board prepare the record.

PETITIONER HEREBY REQUESTS that this matter be held in abeyance until further notice. Petitioner reserves the right to request a hearing to present evidence available that was not considered by the Regional Board or was improperly excluded or otherwise not considered.

Dated: May 23, 2006.

GOLDSBERRY, FREEMAN & GUZMAN, LLP

By: 
FRANCIS M. GOLDSBERRY II
Attorneys for the City of Chico

May 23, 2006

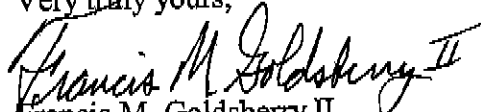
Pamela Creedon
Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Re: Humboldt Road Burn Dump Area 8
Cleanup and Abatement Order No. R5-2006-0711

Dear Ms. Creedon:

Enclosed please find a copy of the City of Chico's Petition for Review regarding the above-referenced Cleanup and Abatement Order, which has been filed with the State Water Resources Control Board. As you will note, this petition has been filed with a request that it be held in abeyance.

Very truly yours,


Francis M. Goldsberry II

FMG:do
Enclosure

cc: Jeffory J. Scharff, Esq.
Randy Nelson, Esq.
Dave Frank, Esq.
Mike Brady, Esq.
David Boyers, Esq.
Elizabeth Miller Jennings, Esq.
Frances McChesney, Esq.

PROOF OF SERVICE

I am a citizen of the United States and am employed in the County of Sacramento, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 777 Twelfth Street, Suite 250, Sacramento, California 95814. I am familiar with the business practices of the Law Offices of Goldsberry, Freeman & Guzman, LLP for collecting and processing mail and know that the mail in said offices is collected and processed on the same date as indicated below.

On the date below, I served the foregoing document(s) described as:

PETITION FOR REVIEW BY THE CITY OF CHICO

on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope addressed as follows:

Randall Nelson, Esq.
Carr, Kennedy, Peterson & Frost
420 Redcliff Drive
Redding, CA 96002

Attorneys for Darwin H. and Nina R. Simmons, Trustees
of the Simmonns Family Trust; James E. Simmons

David R. Frank
Office of the City Attorney
411 Main Street, 3rd Floor
P.O. Box 3420
Chico, CA 95927

Attorneys for City of Chico

Michael V. Brady, Esq.
Diepenbrock Harrison APC
400 Capitol Mall, Suite 1800
Sacramento, CA 95814

Attorneys for Baldwin Contracting Company, Inc.

Jeffory Scharff, Esq.
2625 Fair Oaks Blvd., #7
Sacramento, CA 95864

Attorney for Virginia L. Drake, Trustee of the Drake
Revocable Trust

Frances McChesney, Esq.
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

David Boyers, Esq.
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

XX (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Sacramento, California.

 (PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee(s).

 (BY FEDERAL EXPRESS) I caused such envelope with postage thereon fully prepaid to be placed in Federal Express mail at Sacramento, California.

 (VIA FACSIMILE) I caused such document to be sent via facsimile to the above-listed facsimile number(s) and thereafter caused a copy to be placed in the United States mail at Sacramento, California.

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2 I declare under penalty of perjury under the laws of the State of California that the foregoing
3 is true and correct. I declare that I am employed in the offices of a member of the bar of this court at
4 whose direction the service was made.

5 Executed May 23, 2006, at Sacramento, California.

6 Diane Oliver
7 Diane Oliver
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